IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 546/2006

SAMDAR SINGH Vs. STATE OF RAJASTHAN & ANR.

DATE: 01.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Sunil Kumar Singodiya for the petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.
Mr. Biri Singh Sinsinwar for the respondents.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner against the order dated 12.05.2006 passed by the Additional Sessions Judge No.2, Bharatpur in Criminal Revision NO. 64/2005, whereby the order dated 20.10.2004 passed by the Sub Divisional Magistrate, Kumher in Case No. 27/2004 has been quashed and set-aside, whereby the S.D.M. had appointed Receiver over the disputed property.

Brief facts of the case are that an application was moved before the SDM, Kumher for appointment of Receiver and the SDM having considered the submissions advance on behalf of the parties, appointed a Receiver vide order dated 20.10.2004, against which a revision petition was preferred by the

respondents before the Additional Sessions Judge No.2, Bharatpur and the same was allowed vide order dated 12.05.2006 and the order of the SDM, Kumher dated 20.10.2004 has been quashed and set-aside.

Against the said order dated 12.05.2006, the present revision petition has been preferred by the petitioner on the ground that the at the time of passing of the order, the Revisional Court has not considered the law and order and apprehension of breach of peace was there and each and every aspect was considered by the SDM and thereafter a Receiver was appointed while invoking the provisions of Section 145 Cr.P.C. and this being a interlocutory order cannot be challanged in the revision petition and the revision petition in view of the judgment rendered by this Court in the case of **Sultan Singh Vs. State of Rajasthan, 2006(1) R.C.C. 546,** is not maintainable.

It is not disputed that the decree has been passed in favour of the petitioner and as per the decree, the petitioner is Khatedar owner of the 3/8th part of the land in question and for that share he is legally entitled to cultivate the same. He only apprehends that co-tenant who are the respondents are not allowing peaceful cultivation and, therefore, the

petitioner has no option other than to move application under Section 145 Cr.P.C.

On the other hand, learned counsel appearing for the respondents submits that they will not interfere with the peaceful possession of the land belongs to the petitioner as per the decree and the FIR which has been lodged by the petitioner was found false and F.R. has been submitted by the Investigating Officer. Even otherwise also, they will not create any obstruction and hindrance and will allow peaceful cultivation to the petitioner on the land belongs to the petitioner as per the decree.

In view of the submissions made by the respective parties, I find no merit in the revision petition as the respondents have undertaken that they will not create any obstruction in the peaceful cultivation of the land belongs to the petitioner. No interference whatsoever is required by this Court in the impugned order dated 12.05.2006 passed by the Revisional Court.

Consequently, the revision petition stands dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/